

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

CHARLES WHITE, on his own
behalf and others similarly situated

PLAINTIFFS

V.

CAUSE NO.: 4:11CV007-SA-JMV

NTC TRANSPORTATION, INC., et al.

DEFENDANTS

ORDER

This cause is before the Court on Plaintiffs' Motion for Clarification [154] regarding the Court's Order [151] Granting in Part and Denying in Part Plaintiffs' Motion for Summary Judgment [129]. Plaintiff seeks clarification regarding the Court's ruling that a genuine issue of material fact exists as to the following three issues: (1) whether Defendants improperly segregated so-called "lift pay" hours from other overtime hours and thereby failed to include them when calculating Plaintiffs' overtime pay; (2) whether Defendants failed to pay Plaintiffs for all time worked due to unilateral deductions from Plaintiffs' time; and (3) whether Evelyn Netterville is subject to joint and several liability as an employer under the Fair Labor Standards Act.

In ruling on Plaintiff's Motion for Summary Judgment [129], the Court reviewed and considered all arguments, evidence, and authority put forth by the parties. Having found that genuine issues of material fact exist as to each issue here again raised by Plaintiffs, the Court finds no basis for reversing its prior determinations. As such, the Court finds Plaintiffs' Motion for Clarification is not well taken and shall be DENIED.

SO ORDERED on this, the 4th day of November, 2013.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE